

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MAINE

CALVARY CHAPEL OF BANGOR,

Plaintiff,

v.

JANET MILLS, in her official capacity as the
Governor of the State of Maine,

Defendant.

CIVIL ACTION NO.: 1:20-cv-00156-NT

**DEFENDANT'S ASSENTED-TO MOTION TO
STAY FURTHER PROCEEDINGS PENDING APPEAL**

Defendant respectfully requests that further proceedings in this Court be stayed pending a further order or guidance from the First Circuit in Plaintiff's appeal of this Court's order denying Plaintiff's Motion for a Temporary Restraining Order. In support, Defendant states as follows:

1. At issue in this case is the constitutionality of the Governor's executive order limiting gatherings in light of the COVID-19 pandemic as it relates to the Plaintiff's ability to conduct religious activities.
2. On May 5, 2020, Plaintiff filed a Motion for a Temporary Restraining Order (TRO) seeking to enjoin enforcement of the gathering restrictions in the Governor's executive order.
3. On May 9, 2020, following an expedited response from Defendant, the Court entered an order denying the TRO.
4. Also on May 9, 2020, Plaintiff filed a Notice of Appeal to the United States Court of Appeals for the First Circuit of this Court's order denying the TRO.

5. Plaintiff subsequently sought an injunction pending appeal from this Court, which was denied on May 15, 2020. Plaintiff is currently seeking an injunction pending appeal from the First Circuit.
6. “[T]he First Circuit's response to the interlocutory appeal is likely to inform the future handling of the case, and may well affect the nature and scope of discovery.” *Bruns v. Mayhew*, No. 1:12-CV-00131-JAW, 2013 WL 12234023, at *2 (D. Me. May 24, 2013). Potential guidance from the First Circuit may also “assist[] the expeditious and cost-effective resolution of this lawsuit.” *Id.*
7. Plaintiff has no objection to further proceedings in this Court being stayed pending a further order or guidance from the First Circuit.

Wherefore, the Defendant respectfully requests that further proceedings in this Court be stayed pending a further order or guidance from the First Circuit in Plaintiff's appeal.

Dated: May 25, 2020

/s/ Christopher C. Taub
Christopher C. Taub, Dep. Atty. Gen.
Christopher.C.Taub@maine.gov
Sarah A. Forster, Asst. Atty. Gen.
Sarah.Forster@maine.gov
Six State House Station
Augusta, Maine 04333-0006
Tel. (207) 626-8800
Fax (207) 287-3145

CERTIFICATE OF SERVICE

I hereby certify that on this, the 25th day of May, 2020, I electronically filed the above document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

CHARLES W. HODSDON , II
cwh@hodsdonlaw.com

RICHARD B. KATSKEE
katskee@au.org

ALEXANDER JOSEPH LUCHENITSER
luchenitser@au.org

HORATIO G. MIHET
hmihet@lc.org

DANIEL J. SCHMID
dschmid@lc.org

DAVID SOLEY
dsoley@bssn.com

MATHEW D. STAVER
court@lc.org

KENNETH D. UPTON , JR
upton@au.org.

/s/ Christopher C. Taub
CHRISTOPHER C. TAUB
Deputy Attorney General
Six State House Station
Augusta, Maine 04333-0006
Tel. (207) 626-8800
Fax (207) 287-3145